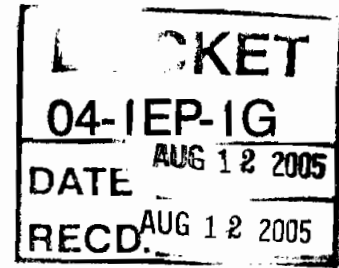


August 11, 2005

California Energy Commission Dockets Unit
Attn: Docket No. 04-IEP-1G
1516 Ninth Street MS-4
Sacramento, CA 95814-5512



I am writing to express my support of California Energy Commission (CEC) staff Linda Spiegel, Melinda Dorin and recently retired Richard Anderson on the incredibly difficult task of attempting to blend wind farms and birds together, or should I say keeping them apart? Their performance at protecting the public's wildlife resources, while also promoting wind energy development has been heroic. I also wish to applaud the CEC for supporting the PEIR program and in particular for the funding of the Smallwood & Thelander 2004 and Dorin and Spiegel 2005 reports. Without these reports we would only have the view and statistics of the wind industry. While some wind industry research is good, one can never get away from the fact that much of it was funded by the wind industry and the perception that it could be biased. One of the many positive aspects of the CEC reports is the counter balance they provide to the 20 years of information by the wind industry in the Altamont Wind Resource Area. As a result, it is clear to me and others that the CEC supports renewable energy and California's wildlife resources. Again thank you for providing this outlet for statistically verified and sound research.

I read several unfavorable comments about CEC reports from other parties to this same Docket Number, and while I disagree with most, I shall comment on just one. I came away dismayed at the apparent arrogance and ignorance of at least one misinformed wind industry representative when he stated that:

"For some reason, the CEC report, rather than focusing on overall avian mortality, appears to be more concerned with raptor mortality at the Solano Wind Resource Area. It is true that of the avian mortality at the High Winds project, a higher proportion is raptors than at other projects. However, most of the raptors killed at High Winds have been American Kestrels and red-tailed hawks-two of the most common raptors in the country, which are not protected by the ESA (although they are, like most birds, protected by the MBTA)".

Any unnecessary human caused avian mortality should be reduced or eliminated. Except for differences in species abundance, it really doesn't matter whether it's a Western Meadowlark or a Red-tailed Hawk, the species are legally protected by State and Federal laws.

For sake of clarification, and as stated in the CEC 2005 report (Assessment of Avian Mortality from Collisions and Electrocutions) most birds killed by wind turbines are protected by State and Federal laws and regulations. However, I have the impression from the above quote that some wind companies believe that if the species is protected

only by the MBTA, and not also by the ESA, that for some reason it is less valuable to society, or perhaps when killed, is punishable by a smaller fine.

I would like to point out, that very recently, a State and Federally endangered California Condor (AC-8) was killed in Kern County, California. The individual who killed the bird was prosecuted not under the ESA, but under the MBTA, and was fined \$20,000 for killing one migratory bird. Even though they are two of the “most common raptors”, Red-tailed hawks, American Kestrels and most other North American birds are afforded the same protection as AC-8 under the MBTA.

Thank you for requesting my comments.

Respectfully submitted,

Peter H. Bloom
Zoologist
13611 Hewes Avenue
Santa Ana, CA 92705